

DOCKET NO: 282743US8X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MICHAEL DURR, ET AL. : EXAMINER: FICK, ANTHONY D.
SERIAL NO: 10/805,770 :
FILED: MARCH 22, 2004 : GROUP ART UNIT: 1753
FOR: POROUS FILM FOR USE IN AN :
ELECTRONIC DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed September 21, 2007, Applicants hereby elect Group I, Claims 1-24. This election is made with traverse.

It is respectfully submitted that the subject matter of all claims 1-34 is sufficiently related that a thorough search for the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. The Examiner has not shown that "surface templated pore formation" would actually yield a porous film as claimed in Claim 1. It is respectfully submitted that the search and examination of the entire application could be performed without serious burden. MPEP §803 states that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

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It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement and to examine all claims in this application.

Respectfully submitted,

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